

APPEAL NO. 041245  
FILED JULY 7, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 5, 2004. The hearing officer decided that: (1) the compensable injury of \_\_\_\_\_, extends to and includes an acute sprain of the right hand/wrist but does not extend to or include left shoulder overuse syndrome and paresthesia of the right hand/wrist; (2) the appellant/cross-respondent (claimant) had disability from February 6, 2003, through February 18, 2003, but not from \_\_\_\_\_, through February 5, 2003, or from February 19, 2003, through the date of the hearing; and (3) the respondent/cross-appellant (self-insured) did not make a bona fide offer of employment (BFOE) to the claimant entitling the self-insured to adjust post-injury earnings. The claimant appeals the adverse extent-of-injury and disability determinations on sufficiency of the evidence grounds. The self-insured cross-appeals the adverse extent-of-injury, disability, and BFOE determinations on sufficiency of the evidence grounds. The parties responded, urging affirmance.

DECISION

Affirmed.

The claimant asserts that the hearing officer erred by failing to admit a tape recorded message, in which a carrier representative allegedly agreed to accept the disputed conditions. Similarly, the self-insured asserts that the hearing officer erred by failing to admit "evidence of Claimant's prior claim," which allegedly established a pattern of behavior on the part of the claimant. Our review of the record reveals that no such exhibits were offered by either party at the hearing below. The parties' assertions, therefore, lack merit and will not be addressed further.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JG  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Edward Vilano  
Appeals Judge

CONCUR:

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Elaine Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge